



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,245	01/26/2004	Feng Cao	062891.1187	4163
5073	7590	03/19/2009		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER ZENATI, AMAL S	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 03/19/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com

Office Action Summary

Application No.

10/766,245

Applicant(s)

CAO ET AL.

Examiner

AMAL ZENATI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Consider **Claims 1, 6, 9, 14, 17, 22, 23, 26, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong (US 6922786 B1)** in view of **Koskelainen (Patent No.: US 6,885,861 B1; hereinafter Philonenko)**

Consider **claims 1, 9, 17, and 27**, **Ong** clearly shows and discloses a method, an apparatus, and a system for tracking telecommunication services comprising: a network interface operable to receive a call, wherein the call includes a call identifier (col. 5, lines 10-14); a memory operable to store a filter list, wherein the filter list identifies filter statuses (filter characteristics/information) associated with one or more call identifiers (col. 1, lines 51-55; and col. 4, lines 10-15); a processor operable to determine a filter status of the call based on at least the filter list (col. 2, lines 45-53; col. 3, lines 55-66); a filter node operable to: receive a call, wherein the call includes a call identifier (col. 5, lines 10-14); determine a filter status of the call (col. 5, lines 14-17; and col. 6, lines 20-23); and transmitting the filter statuses of

the call (filtering characteristics /information) to a remote node by using a control protocol (*control protocol such as Media Gateway Control protocol MEGACO which is the standard protocol for interfacing between hosts and call agents called Medial Gateway Controllers and Media Gateways e.g. an IP telephone and the PSTN*) conforms to a protocol that primarily communicates tracking information (col. 4, lines 49-53; and col. 5, lines 14-18); and a plurality of network nodes, each network node operable to receive the call and to take a filter action based on the filter status of the call (col. 4, lines 1-15); However, **Ong** does not specifically disclose transmitting the filter statuses of the call to a remote node by using a notification message wherein the notification message identifies the call identifier.

In the same field of endeavor, **Koskelainen** clearly specifically discloses transmitting a notification message wherein the notification message identifies the call identifier and wherein the notification message conforms to a protocol that primarily communicates tracking information (col. 8, lines 35-47)

Koskelainen discloses the above for the purpose of using a notification message that identifies the call identifier for notifying about the change in the status of user terminal (col. 7, lines 50-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit a notification message wherein the notification message identifies the call identifier as taught by Koskelainen in Ong, in order to use a notification message that identifies the call identifier for notifying about the change in the status of user terminal and to differentiate between multiple sessions between two end points.

Consider claim 6, 14, and 22, **Ong** and **Koskelainen** show the method, the apparatus, and the system, wherein determining a filter status of the call comprises determining a filter status of the call based on at least one of a calling number associated with the call, a called number associated with the

call, a network address associated with the call, and a carrier associated with the call (Ong: col. 6, claim 9).

Consider **claim 23, Ong and Koskelainen** show the system, wherein the filter node comprises one of a plurality of filter nodes (Ong: col. 3, lines 50-55).

3. Consider **Claims 2 - 5, 10 - 13, and 18 - 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong (US 6922786 B1)** in view of **Koskelainen (Patent No.: US 6,885,861 B1; hereinafter Philonenko)** and further in view of **Rosenberg (Telephony Routing Over IP TRIP, November, 2000)**

Consider **claim 2, 10, and 18, Ong and Koskelainen** discloses the claimed invention above but lack teaching the method and the apparatus, further comprise: receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node (col. 4, lines 49-63)

In the same field of endeavor, **Rosenberg** clearly specifically discloses the method and the apparatus, further comprise: receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node (Telephony Routing Over IP TRIP: section 4.2)

Rosenberg discloses the above for the purpose of confirming the identification of a node that should receive messages (Telephony Routing Over IP (TRIP): section 4.2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive an open message, wherein the open message identifies a node operable to

receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node as taught by Rosenberg in Koskelainen and Ong, in order to confirm the identification of a node that should receive messages.

Consider **claims 3, 11, and 19, Ong, Koskelainen, and Rosenberg** show the method, the apparatus, and the system wherein the open message identifies a hold time for which the open message is valid (Telephony Routing Over IP (TRIP): section 4.2).

Consider **claim 4, 12, and 20 Ong, Koskelainen, and Rosenberg** show the method, the apparatus, and the system further comprising receiving keepalive messages from the identified node, wherein the keepalive messages indicate that the identified node is still operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node based on whether a keepalive message has been received within a predetermined time period (Telephony Routing Over IP (TRIP): section 4.4 and page 56).

Consider **claim 5, 13, and 21, Ong, Koskelainen, and Rosenberg** show the method, the apparatus, and the system, wherein each keepalive messages identifies a hold time for which the keepalive message is valid (Telephony Routing Over IP (TRIP): section 4.4 and page 56).

4. Consider **Claims 7, 8, 15, 16, 24, 25, 26, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong (US 6922786 B1)** in view of **Hsu et al (Patent No.: US 6,674,734 B1; hereinafter Hsu)**

Consider **claim 7, 15, 24, and 28, Ong** shows the method, the apparatus, and the system for tracking telecommunication services comprising: receiving a request message from a remote node, wherein the request message includes a call identifier; determining an acknowledgement message

(decision message) to the remote node, wherein the acknowledgement message identifies the filter status and wherein the acknowledgement message conforms to a protocol that primarily communicates tracking information (col. 4, lines 56-63); However, **Ong** does not specifically disclose wherein the request message includes a call identifier.

In the same field of endeavor, **Hsu** specifically discloses wherein the request message includes a call identifier (col. 7, lines 21-41; col. 9, lines 55-67; and col. 10, lines 1-3)

Hsu discloses the above for the purpose of sending, in response to the request message that includes a call identifier, the relay setup message including the relay TCP port number, user plane information, and relay gatekeeper IP address and that according to the H.323 standard protocol. (col. 7, lines 21-41; col. 9, lines 55-67; and col. 10, lines 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the request message that includes a call identifier as taught by Hsu in Ong, in order to send, in response to the request message that includes a call identifier, the relay setup message including the relay TCP port number, user plane information, and relay gatekeeper IP address and that according to the H.323 standard protocol.

Consider **claims 8, 16 and 25, Ong and Hsu** show the method, the apparatus, and the system, wherein determining a filter status associated with the call identifier comprises determining a filter status of the call based on at least one of a calling number associated with the call, a called number associated with the call, and a carrier associated with the call (Ong: col. 6, claim 9).

Consider **claim 26, Ong** shows the system, wherein the filter node comprises one of a plurality of filter nodes (Ong col. 3, lines 50-55).

Response to Arguments

The present Office Action is in response to Applicant's argument filed on December 08, 2008. claims 1 – 28 are now pending in the present application.

Applicant's arguments with respect to amended claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571- 270- 1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/766,245
Art Unit: 2614

Page 8

Supervisory Patent Examiner, Art Unit 2614

Patent Examiner, Art Unit 2614

March 12, 2009